

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 08-20562

Plaintiff,

Sean F. Cox
United States District Judge

vs.

ALEX DEWAYNE JOHNSON,

Michael Hluchaniuk
United States Magistrate Judge

Defendant.

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held, I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I-Findings of Fact

There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that detention is appropriate after considering the factors listed in 18 U.S.C. 3142(g). The information presented at the hearing indicated that defendant is a resident of Genesee County, that he has

some employment history and that he has family members who also reside in Genesee County. However, the government proffered information, without objection, that police officers observed defendant fire a handgun, from a vehicle, in the direction of another person. The officers attempted to apprehend defendant but he fled the scene of the shooting incident and eventually was arrested hiding from the police after leaving his vehicle and fleeing on foot. Following his arrest defendant admitted to being in possession of the handgun and stated that he had purchased it on the street for \$100. Defendant further admitted to attempting to shoot another person who defendant claimed had shot at him. While the fact that defendant has ties to this community and that he is employed weigh in his favor, I find that those factors are outweighed by the nature of the offense and his conduct leading to his arrest. Accordingly, I find by clear and convincing evidence that the defendant poses a danger to the community and order him detained without bond pending trial in this matter.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity

for private consultation with defense counsel. On order of a Court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: November 13, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Nancy A. Abraham, AUSA and Kenneth R. Sasse, Federal Defenders Office, and I hereby certify that I have mailed by United States Postal Service/hand-delivered the paper to the following non-ECF participants: Pretrial Services Agency and the United States Marshal's Service.

s/James P. Peltier
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